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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,841	03/30/2004	Hirosada Miyaoka	251008US6	2322

22850 7590 08/08/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2616

NOTIFICATION DATE	DELIVERY MODE
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08/08/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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SK

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,841	<b>Applicant(s)</b> MIYAOKA, HIROSADA	
	<b>Examiner</b> Andrew Lee	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-14,17,18,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 3,4,7,8,15,16,19,20,23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

ANDREW C. LEE  
PRIMARY PATENT EXAMINER

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claim 9, it is unclear what is meant by "arbitrary prediction function".

Applicant is requested to reference specification so metes and bounds can be determined.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motegi et al PG-PUB 2003/0117968.

Re Claims 1, 13, fig. 6 teaches a operational flow of the mobile system in at a time of the power saving mode whereby a intermittent signal period changing unit 36 measures a time when a data addressed thereto is received [0061] wherein the intermittent time interval is the differential time between data packets, this information is stored in internal memory (preserving said measured time); the sleep timer execution unit 21 activates the sleep timer and control the power saving unit 24 [0073+] by

selecting a value stored in the internal memory. Motegi et al fails to explicitly teach, "computed average differential time.". However, the internal memory stores a plurality of intermittent intervals (differential times). Since the internal memory stores a plurality of differential intervals, computing an average differential time would have been computable and can be made available to one of ordinary skilled. By computing an average differential time, the mobile system can anticipate the average time of packet reception/transmission. In so doing, this average time can be set as the sleep timer value for the mobile to conserve battery life. Therefore, it would have been obvious to one ordinary skilled to compute the average differential time.

Re Claims 2,14, refer to Claim 1, wherein the average differential time is average for a predetermined number of measurements and adjustment to the sleep timer can be changed accordingly [0066]; as a result, the intermittent receiving period is made longer as the period with no packet reception becomes longer and vice versa; wherein the intermittent period actuates the sleep timer controller for controlling the standby mode.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 5, 6, 7, 17, 18, 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Motegi et al PG-PUB 2003/0117968.

Re Claims 5, 7, 17, 21, fig. 6 teaches a operational flow of the mobile system in at a time of the power saving mode whereby a intermittent signal period changing unit 36 measures a time when a data addressed thereto is received [0061] wherein the intermittent time interval is the differential time between data packets, this information is stored in internal memory (preserving said measured time); the sleep timer execution unit 21 activates the sleep timer and control the power saving unit 24 [0073+] by selecting a value stored in the internal memory is the optimal minimum value .

Re Claims 6, 18, 22, refer to Claim 1, wherein the average differential time is average for a predetermined number of measurements and adjustment to the sleep timer can be changed accordingly [0066]; as a result, the intermittent receiving period is made longer as the period with no packet reception becomes longer and vice versa; wherein the intermittent period actuates the sleep timer controller for controlling the standby mode.

#### ***Allowable Subject Matter***

7. Claims 3, 4, 7, 8, 15, 16, 19, 20, 23, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2616

In combination with claims 1, 3; 5, 7; 13, 15; 17, 19; 21, 23, prior art fails a controller controls standby power requirement during reception of self-addressed data, using the average of calculated difference time whereby the controller makes the standby power at receiving time to enter a sleep state when reception of data is completed and makes the standby power at receiving time rise to enter an active state after the optimal differential time is passed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW C. LEE  
PRIMARY PATENT EXAMINER

